

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

-----  
In re:

Bky. No. 04-45274

Chapter 11 Case

Maureen C. Madden,

**NOTICE OF HEARING AND MOTION  
FOR RELIEF FROM STAY**

Debtor.

-----  
TO: DEBTOR, TRUSTEE, UNITED STATES TRUSTEE, AND OTHER PARTIES IN  
INTEREST Under Local Bankruptcy Rule 9013-3.

PLEASE TAKE NOTICE that Larkin Hoffman Daly & Lindgren Ltd. ("Larkin Hoffman") by their undersigned attorney, will move the Court for the relief requested below.

1. The Court will hold a hearing on this Motion on November 4, 2004, before the Honorable Robert J. Kressel, United States Bankruptcy Judge, at 2:00 p.m., or as soon thereafter as counsel can be heard, in Courtroom 8 West, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. THE HEARING MAY BE CONTINUED BY THE COURT AT THE TIME OF THE HEARING WITHOUT ADDITIONAL NOTICE.

2. The Debtor filed for Chapter 7 bankruptcy on September 22, 2004. The case is currently pending in this Court.

3. Any response to this motion must be filed and delivered not later than November 1, 2004 which is three days before the time set for the hearing, excluding Saturday and Sunday, or filed and served by mail not later than October 26, 2004 which is seven days before the date set for the hearing.

4. This motion is filed under Bankruptcy Rules 4001 and 9013 and Local Bankruptcy Rules 2020-1 and 9006, and arises under 11 U.S.C. § 362. Larkin Hoffman hereby

requests relief from the automatic stay with respect to the liquidation of Movants claimed attorney's lien in the real and personal property of the Debtor.

WHEREFORE, Larkin Hoffman, by their undersigned attorney, moves the Court for an Order lifting the automatic stay as set forth in the proposed order filed herewith, for an order shortening the time for notice for this motion to such time as has been provided the movant and for such other and further relief as may be just and equitable.

Dated: 10/18/04

/e/ Kenneth Corey-Edstrom

Kenneth Corey-Edstrom (#148696)

Larkin Hoffman Daly & Lindgren Ltd.

Attorneys for Movant

1500 Wells Fargo Plaza

7900 Xerxes Avenue South

Minneapolis, Minnesota 55431-1194

(952) 835-3800

970268.1

## VERIFICATION

I, Kenneth Corey-Edstrom, a duly authorized agent for the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing, and the facts set forth in the memorandum in support of this motion are true and correct according to the best of my knowledge, information and belief.

Executed on October 18, 2004

/e/ Kenneth Corey-Edstrom  
Kenneth Corey-Edstrom

970268.1

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

-----  
In re:

Bky. No. 04-45274  
Chapter 11 Case

Maureen C. Madden,

Debtor.

**MEMORANDUM OF LAW IN SUPPORT OF  
MOTION TO LIFT STAY**

-----  
This Memorandum is submitted by Larkin Hoffman Daly & Lindgren, Ltd. ("Movant") through counsel for relief from stay pursuant to 11 U.S.C. § 362(a).

**FACTS AND PROCEDURAL POSTURE**

From May 9, 2003 through June 17, 2004, Debtor engaged the Movant to act as her counsel in connection with a dissolution of marriage action in Hennepin County District Court (Hennepin County District Court File No. DC 284403). On June 17, 2004, Movant withdrew as counsel for the Debtor based on non-payment of attorneys fees. The final date the client was billed for work on the file was August 11, 2004. On June 22, 2004, Movant gave Debtor notice of its attorney's lien under Minn. Stat. § 481.13 on the following property:

- A. The parties' homestead located at 4810 Ladyslipper Avenue North, Brooklyn Park, Minnesota, and legally described as follows:  
  
Lot 7, Block 9, Saint Gerard's Manor, 2nd Addition
- B. Any property settlement awarded to Petitioner and payable by Respondent Jason John Wayne.
- C. US Bancorp Piper Jaffray Inc. ("Piper Jaffray") Account, Account No. 5450-906, and any and all other accounts Petitioner has an interest in at said Piper Jaffray.

D. Checking account in name of Maureen Claire Madden at Wells Fargo.

and any other property awarded to Petitioner, and directing that judgment be entered and docketed against Petitioner for such amount.

See Notice of Attorney's Lien attached hereto as Exhibit A. Movant immediately scheduled a motion to have the court liquidate the lien (see Notice of Motion and Motion attached hereto as Exhibit B.) The hearing was subsequently rescheduled from September 13, 2004 to October 11, 2004 and was ultimately cancelled due to the filing of the Debtor's bankruptcy petition on September 22 2004. On October 15, 2005, a Notice of Amended Attorney Lien was prepared and served to take into consideration the final amounts billed to the client. See Notice of Attorney's Lien attached hereto as Exhibit C.

In addition to the motion to liquidate the attorney's lien, the Movant has now perfected its attorney's lien as against Debtor's real property and personal property. The first page of Exhibit C shows recording information in the Hennepin County Recorder's Office (Doc. 8457649). The attached Exhibit D shows proof of perfection of Movant's interest in personalty with the office of the Minnesota Secretary of State (Doc. No. 200415627147). Movant also provided a notice of the filing of the Amended Lien on Debtor and her attorneys (see letter from Kenneth Corey-Edstrom to Maureen Madden, Barbara May and Michael Perlman dated October 18, 2004 attached as Exhibit E). Movant now seeks to lift the stay and return to the dissolution of marriage action that is pending in State Court in order to liquidate its statutory lien under Minn. Stat. § 481.13.

## ARGUMENT

There are many circumstances where the stay may be lifted to allow a separate action to proceed in another forum. See Matter of Holtkamp, 669 F.2d 505, 508 (7th Cir. 1982), citing Senate Report No. 989, 95th Congress, Second Session 50 (1978).

11 U.S.C. § 362(d) provides in pertinent part:

On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or continuing such stay--

(1) for cause, including the lack of adequate protection of an interest in property of such party in interest.

Relief from the stay is mandatory where a request is made and circumstances at the hearing establish cause. 2 Collier Bankruptcy Manual 362.02 at p. 362-32 (3rd ed.); House Report No. 95-595, 95th Congress, First Session 343 (1977) ("Subsection (d) requires the court, on request of a party in interest to grant relief from the stay . . . for cause.") (Emphasis added.)

Cause for relief from the automatic stay may be established by a variety of circumstances. As explained in House Report No. 95-595, 95th Congress, First Session 343-4 (1977):

The lack of adequate protection of an interest in property of the party requesting relief from the stay is one cause for relief, but is not the only cause. As noted above, a desire to permit an action to proceed to completion in another tribunal may provide another cause. Other causes might include the lack of any connection with or interference with the pending bankruptcy case. Generally, proceedings ... involving post-petition activities of the debtor, need not be stayed because they bear no relationship to the purpose of the automatic stay, which is debtor protection from his creditors. The facts of each request will determine whether relief is appropriate under the circumstances.

In this case movant has established that it has claimed an attorney's lien under Minnesota Law that arose at the time of the filing of the divorce action.

“An attorney has a lien for compensation whether the agreement for compensation is expressed or implied (1) upon the cause of action from the time of the service of the summons in the action, or the commencement of the proceeding, and (2) upon the interest of the attorney's client in any money or property involved in or affected by any action or proceeding in which the attorney may have been employed, from the commencement of the action or proceeding.”

Minn. Stat. § 481.13, Subd. 1(a).

The State Court is charged with liquidation of the lien.

“A lien provided by paragraphs (a) and (b) may be established, and the amount of the lien may be determined, summarily by the court under this paragraph on the application of the lien claimant or of any person or party interested in the property subject to the lien. The State Court will determine the amount of the attorney's lien and the property that will be encumbered by the lien.”

Minn. Stat. § 481.13, Subd. 1(c).

An attorney seeking to establish an attorney's lien may lift the automatic stay to seek to finalize an attorney's lien. In re Sacerdote, 74 B.R. 487, 491 (Bankr. E.D. Pa. 1987).

The attorney's lien is a statutory lien that will survive the discharge of Debtor's personal obligation to the Movant. In re Donovan, 137 B.R. 547, 550 (Bankr. S.D. Fl. 1992) (Florida law); Edl v. Kinast, (In Re Edl), 207 B.R. 611, 618 (Bankr. W.D. WI 1997)(Wisconsin law).

Although the facts set forth above prove cause for lifting the automatic stay, it must be remembered that the burden of showing absence of cause is on the debtor. 11 U.S.C. § 362(g)(2) provides in pertinent part that:

In any hearing under subsection (d) or (e) of this section concerning relief from the stay under any act under subdivision (a) of this section --

(1) the party requesting such relief has the burden of proof on the issue of the debtor's Movant in property; and

(2) the party opposing such relief has the burden of proof on all other issues.

"Once a party subject to the automatic stay requests the court to terminate, annul, modify, or condition the stay, the burden of proof is on the trustee or debtor in possession to show that the stay should be continued without modification." 2 Collier Bankruptcy Manual, 362.06 at p. 362-44 (3rd ed.). See, e.g., In re Gauvin, 10 B.C.D. 219, 221 (9th Cir. B.A.P. 1982) ("[i]t is . . . clear that section 362(g) puts the burden on the debtor in paragraph (d)(1) to prove absence of cause.").

Based upon the foregoing points and authorities, the Movant respectfully requests an Order lifting the automatic stay and allowing the Movant to pursue liquidation of its claimed attorney's lien in the Debtor's dissolution of marriage proceedings.

Dated: October 18, 2004

/e/ Kenneth Corey-Edstrom

Kenneth Corey-Edstrom (#148696)

Larkin Hoffman Daly & Lindgren Ltd.

Attorneys for Movant

1500 Wells Fargo Plaza

7900 Xerxes Avenue South

Minneapolis, Minnesota 55431-1194

(952) 835-3800

970268.1



**EXHIBIT A**

STATE OF MINNESOTA

COUNTY OF HENNEPIN

DISTRICT COURT

FOURTH JUDICIAL DISTRICT

FAMILY COURT DIVISION

-----  
In re the Marriage of:

DISSOLUTION WITH CHILDREN

Maureen Claire Madden,

File No. DC 284403

Petitioner,

**NOTICE OF ATTORNEY LIEN**

and

Jason John Wynne,

Respondent.

-----  
TO: Maureen Claire Madden the Above-Named Petitioner, 4810 Ladyslipper Avenue North,  
Brooklyn Park, Minnesota 55443.

Jason John Wynne, the Above-Named Respondent and his attorney, Mary Lauhead, 3985  
Clover Avenue, St. Paul, Minnesota 55127.

NOTICE IS HEREBY GIVEN, that Kathleen M. Picotte Newman and Kenneth Corey-  
Edstrom, Larkin Hoffman Daly & Lindgren Ltd., whose office address is 1500 Wells Fargo  
Plaza, 7900 Xerxes Avenue South, Minneapolis, Minnesota 55431, hereby assert an attorney's  
lien for the amount of legal services rendered and costs incurred by Larkin Hoffman Daly &  
Lindgren Ltd. on behalf of Petitioner Maureen Claire Madden between May 2003 and the present  
in the sum of \$61,960.28, with interest thereon, and against the interest of Petitioner Maureen  
Claire Madden in all property of Petitioner and Respondent, including, but not limited to:

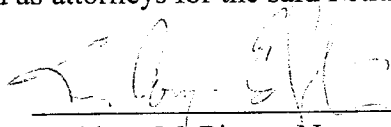
- A. The parties' homestead located at 4810 Ladyslipper  
Avenue North, Brooklyn Park, Minnesota, and legally  
described as follows:  
  
Lot 7, Block 9, Saint Gerard's Manor, 2nd Addition
- B. Any property settlement awarded to Petitioner and payable  
by Respondent Jason John Wayne.

- C. US Bancorp Piper Jaffray Inc. ("Piper Jaffray") Account, Account no. 5450-906, and any and all other accounts Petitioner has an interest in at said Piper Jaffray.
- D. Checking account in name of Maureen Claire Madden at Wells Fargo.

Said sum is the reasonable compensation and reasonable out-of-pocket cost

reimbursement due the undersigned as attorneys for the said Petitioner Maureen Claire Madden.

Dated: June 22, 2004



---

Kathleen M. Picotte Newman (130394)  
Kenneth Corey-Edstrom (148696)  
Larkin Hoffman Daly & Lindgren Ltd.  
1500 Wells Fargo Plaza  
7900 Xerxes Avenue South  
Minneapolis, Minnesota 55431-1194  
(952) 835-3800

948361.1

**EXHIBIT B**

STATE OF MINNESOTA

COUNTY OF HENNEPIN

DISTRICT COURT

FOURTH JUDICIAL DISTRICT

FAMILY COURT DIVISION

-----  
In re the Marriage of:

DISSOLUTION WITH CHILDREN

Maureen Claire Madden,

Petitioner,

File No. DC 284403

and

**NOTICE OF MOTION AND MOTION**

Jason John Wynne,

Respondent.

-----  
TO: Maureen Claire Madden the Above-Named Petitioner, 4810 Ladyslipper Avenue North,  
Brooklyn Park, Minnesota 55443.

Jason John Wynne, the Above-Named Respondent and his attorney, May Lauhead, 3985  
Clover Avenue, St. Paul, Minnesota 55127.

YOU WILL PLEASE TAKE NOTICE that at a session of the above-named Court to be

held before The Honorable Bruce A. Peterson in Courtroom 1355, Hennepin County

Government Center, 300 South Sixth Street, Minneapolis, Minnesota, on September 13, 2004 at

8:30 a.m., or as soon thereafter as counsel can be heard, Kathleen M. Picotte Newman and

- Kenneth Corey-Edstrom will move the Court for an Order as follows:

1. Granting Larkin Hoffman Daly & Lindgren Ltd. a lien in the amount of \$61,960.28 for legal services rendered to Petitioner Maureen Claire Madden ("Petitioner") in connection with the above-captioned matter against Petitioner's interest in any and all money, personal and real property of Petitioner or any other money, personal and real property affected by the proceeding, or her cause of action and on any judgment entered on the proceeds thereof, including, but not limited to:

- A. The parties' homestead located at 4810 Ladyslipper Avenue North, Brooklyn Park, Minnesota, and legally described as follows:
- Lot 7, Block 9, Saint Gerard's Manor, 2nd Addition
- B. Any property settlement awarded to Petitioner and payable by Respondent Jason John Wayne.
- C. US Bancorp Piper Jaffray, Inc. ("Piper Jaffray") Account, Account No. 5450-906, and any and all other accounts Petitioner has an interest in at said Piper Jaffray.
- D. Checking account in name of Maureen Claire Madden at Wells Fargo.

and any other property awarded to Petitioner, and directing that judgment be entered and docketed against Petitioner for such amount.

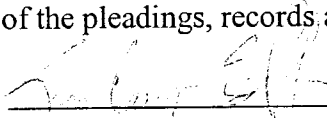
2. Including in the lien, interest, costs, disbursements and attorneys' fees, incurred in collecting the outstanding balance.

3. For such other and further relief as the Court deems just and equitable under the circumstances.

All responsive pleadings shall be served and mailed to or filed with the court administrator no later than five days prior to the scheduled hearing. The court may, in its discretion, disregard any responsive pleadings served or filed with the court administrator less than five days prior to such hearing in ruling on the motion or matter in question.

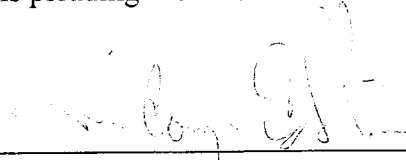
This Motion is based upon this Notice, the Affidavit of Kathleen M. Picotte Newman, filed and served herein, and upon all of the pleadings, records and files in this action.

Dated: June 22, 2004

  
Kathleen M. Picotte Newman (130394)  
Kenneth Corey-Edstrom (148696)  
Larkin Hoffman Daly & Lindgren Ltd.  
1500 Wells Fargo Plaza  
7900 Xerxes Avenue South  
Minneapolis, Minnesota 55431-1194  
(952) 835-3800

ACKNOWLEDGMENT

I hereby acknowledge that sanctions may be awarded pursuant to Minn. Stat. § 549.211, subd. 3, if the court determines that this pleading violates Minn. Stat. § 549.211, subd. 2.

A handwritten signature in dark ink, appearing to read "Kenneth Corey-Edstrom", is written over a horizontal line.

Kenneth Corey-Edstrom

948344.1

**AFFIDAVIT OF SERVICE BY UNITED STATES MAIL**

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF HENNEPIN )

Carol R. Johnson, being first duly sworn, deposes and states that on the 22nd day of June, 2004, she served the following:

**NOTICE OF MOTION AND MOTION, AFFIDAVIT OF KATHLEEN M. PICOTTE NEWMAN, and NOTICE OF ATTORNEY LIEN**

upon the following:

Mary Lauhead, Esq. 3985 Clover Avenue St. Paul, MN 55127	Ms. Maureen Claire Madden 4810 Ladyslipper Avenue North Brooklyn Park, MN 55443
--	---

by placing true and correct copies thereof in a postage prepaid envelope, addressed to said person(s) at the address(es) above, which is the last known address(es) of said person(s), and by depositing the same with the United States Postal Service in Bloomington, Minnesota.

Carol R. Johnson  
Carol R. Johnson

Subscribed and sworn to before  
me this 22nd day of June, 2004.

Michelle M. Martin  
Notary Public





**EXHIBIT C**



Doc No 8457649 10/15/2004 03:58 PM

Certified filed and or recorded on above date:

Office of the County Recorder

Hennepin County, Minnesota

Michael H. Cunniff, County Recorder

Deputy 5

TransID 67403

Fees

\$15.00 DOC

\$4.50 SUR

\$10.00 NS

\$1.00 COPY

\$30.50 Total

Duplicate  
Filing  
Certificate

STATE OF MINNESOTA

COUNTY OF HENNEPIN

DISTRICT COURT

FOURTH JUDICIAL DISTRICT

FAMILY COURT DIVISION

-----  
In re the Marriage of:

DISSOLUTION WITH CHILDREN

Maureen Claire Madden,

File No. DC 284403

Petitioner,

**NOTICE OF ~~AMENDED~~ ATTORNEY  
LIEN**

and

Jason John Wynne,

Respondent.  
-----

TO: Maureen Claire Madden the Above-Named Petitioner, 4810 Ladyslipper Avenue North, Brooklyn Park, Minnesota 55443, and her attorneys, Barbara J. May, 4105 N Lexington Ste 310, Arden Hills, MN 55126 and Michael L. Perlman, 10520 Wayzata Blvd, Minnetonka, MN 55305, and to:

Jason John Wynne, the Above-Named Respondent and his attorney, Mary Lauhead, c/o 3985 Clover Avenue, St. Paul, Minnesota 55127.

NOTICE IS HEREBY GIVEN, that Kathleen M. Picotte Newman and Kenneth Corey-Edstrom, Larkin Hoffman Daly & Lindgren Ltd., whose office address is 1500 Wells Fargo Plaza, 7900 Xerxes Avenue South, Minneapolis, Minnesota 55431, hereby assert an attorney's lien for the amount of legal services rendered and costs incurred by Larkin Hoffman Daly & Lindgren Ltd. on behalf of Petitioner Maureen Claire Madden between May 9, 2003 and the present in the sum of \$66,249.83 with interest thereon, and against the interest of Petitioner Maureen Claire Madden in all property of Petitioner and Respondent, including, but not limited to:

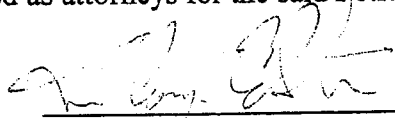
- A. The parties' homestead located at 4810 Ladyslipper Avenue North, Brooklyn Park, Minnesota, and legally described as follows:

Lot 7, Block 9, Saint Gerard's Manor, 2nd Addition

- B. Any property settlement awarded to Petitioner and payable by Respondent Jason John Wayne.
- C. US Bancorp Piper Jaffray Inc. ("Piper Jaffray") Account, Account no. 5450-906, and any and all other accounts Petitioner has an interest in at said Piper Jaffray.
- D. Checking account in name of Maureen Claire Madden at Wells Fargo Bank, N.A.

Said sum is the reasonable compensation and reasonable out-of-pocket cost reimbursement due the undersigned as attorneys for the said Petitioner Maureen Claire Madden.

Dated: October 15, 2004



---

Kathleen M. Picotte Newman (130394)  
Kenneth Corey-Edstrom (148696)  
Larkin Hoffman Daly & Lindgren Ltd.  
1500 Wells Fargo Plaza  
7900 Xerxes Avenue South  
Minneapolis, Minnesota 55431-1194  
(952) 835-3800

948361.1

**EXHIBIT D**

[Home](#)**UCC  
Filing**

**Thank you for using this online service.  
Your transaction has been successfully completed.  
Print this page for your records.**

**Filing Number: 200413627147  
Filing Time: 10/15/2004 1:48:00 PM**

To view and print your acknowledgment click on the "Image" button.

[Image](#)

**Note:** This file is in PDF format. You will need Adobe Acrobat installed on your computer to view these files. To install Adobe Acrobat on your computer, [click here](#).

**Please do NOT use "Back" button of your browser on this page.**

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**UCC FINANCING STATEMENT**

NAME &amp; PHONE OF CONTACT AT FILER (optional)

SEND ACKNOWLEDGMENT TO: (Name and Address)

**LARKIN HOFFMAN DALY****7900 Xerxes Ave South****MINNEAPOLIS****MN 55431****Filing NO:** 200413627147**Filing Date** 10/15/2004**Filing Time** 1:48:00 pm**State of Minnesota****Processing office: Secretary of State****Filed by: UCCOnlineFiling****DEBTOR'S EXACT FULL LEGAL NAME****INDIVIDUAL'S NAME**

Last Name

**MADDEN**

First Name

**MAUREEN**

Middle Name

**C.**

Suffix

Mailing address

**4810 LADYSLIPPER AVENUE NORTH**

City

**BROOKLYN PARK**

State

**MN**

Postal Code

**55443**

Country

**USA****SECURED PARTY'S NAME****ORGANIZATION'S NAME****LARKIN HOFFMAN DALY & LINDGREN LTD.**

Mailing address

**1500 WELLS FARGO PLAZA, 7900 XERXES AVENUE SOUTH**

City

**MINNEAPOLIS**

State

**MN**

Postal Code

**55431**

Country

**USA**

This Financing Statement covers the following collaterals :

Any property settlement awarded to Maureen C. Madden and payable by Jason John Wayne in connection with Hennepin County District Court File No. DC 284403 US Bancorp Piper Jaffray Inc. ("Piper Jaffray") Account, Account No. 5450-906, and any and all other accounts Maureen C. Madden has an interest in at said Piper Jaffray Checking account in name of Maureen C. Madden at Wells Fargo Bank, N.A. and Any other property awarded to Maureen C. Madden in connection with Hennepin County District Court File No. DC 284403

ALTERNATIVE DESIGNATION  
(if applicable)☐lessee  
/lessor☐consignee  
/consignor☐bailee  
/bailor☐seller  
/buyer☐

ag.lien

☐non-ucc  
filingCheck only if applicable and check only one box

Debtor is a

☐

Trust or

☐

Trustee acting with respect to property held in trust or

☐

Decedent's Estate

Check only if applicable and check only one box☐

Debtor is a TRANSMITTING UTILITY

☐

Filed in connection with a Manufactured-Home Transaction - effective 30 years

☐

Filed in connection with a Public-Finance Transaction - effective 30 years

OPTIONAL FILER REFERENCE DATA

**4170-84**

NATIONAL UCC FINANCING STATEMENT (FORM UCC1).

## UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional] Lori B. Papacek, Paralegal (952) 896-3229	
B. SEND ACKNOWLEDGMENT TO: (Name and Address) Kenneth Corey-Edstrom, Esq. Larkin Hoffman Daly & Lindgren Ltd. 1500 Wells Fargo Plaza 7900 Xerxes Avenue South Minneapolis, MN 55431	

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME				
OR				
1b. INDIVIDUAL'S LAST NAME Madden		FIRST NAME Maureen	MIDDLE NAME C.	SUFFIX
1c. MAILING ADDRESS 4810 Ladyslipper Avenue North		CITY Brooklyn Park	STATE MN	POSTAL CODE 55443
1d. TAX ID #: SSN OR EIN		1e. TYPE OF ORGANIZATION	1f. JURISDICTION OF ORGANIZATION	
ADD'L INFO RE ORGANIZATION DEBTOR		1g. ORGANIZATIONAL ID #, if any		
		<input type="checkbox"/> NONE		

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME				
OR				
2b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
2c. MAILING ADDRESS		CITY	STATE	POSTAL CODE
		COUNTRY		
2d. TAX ID #: SSN OR EIN		2e. TYPE OF ORGANIZATION	2f. JURISDICTION OF ORGANIZATION	
ADD'L INFO RE ORGANIZATION DEBTOR		2g. ORGANIZATIONAL ID #, if any		
		<input type="checkbox"/> NONE		

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME Larkin Hoffman Daly & Lindgren Ltd.				
OR				
3b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
3c. MAILING ADDRESS 1500 Wells Fargo Plaza, 7900 Xerxes Ave. S.		CITY Minneapolis	STATE MN	POSTAL CODE 55431
		COUNTRY USA		

4. This FINANCING STATEMENT covers the following collateral:

Any property settlement awarded to Maureen C. Madden and payable by Jason John Wayne in connection with Hennepin County District Court File No. DC 284403;

US Bancorp Piper Jaffray Inc. ("Piper Jaffray") Account, Account No. 5450-906, and any and all other accounts Maureen C. Madden has an interest in at said Piper Jaffray;

Checking account in name of Maureen C. Madden at Wells Fargo Bank, N.A.; and

Any other property awarded to Maureen C. Madden in connection with Hennepin County District Court File No. DC 284403

5. ALTERNATIVE DESIGNATION [if applicable]:	LESSEE/LESSOR	CONSIGNEE/CONSIGNOR	BAILEE/BAIOLR	SELLER/BUYER	AG. LIEN	NON-UCC FILING
6. This FINANCING STATEMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS. Attach Addendum [if applicable]	7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) [optional]		All Debtors			
		Debtor 1		Debtor 2		
8. OPTIONAL FILER REFERENCE DATA						

Minnesota Secretary of State/4170-84

FILING OFFICE COPY — NATIONAL UCC FINANCING STATEMENT (FORM UCC1) (REV. 07/29/98)

NATUCC1 - 5/4/01 C T System Online



**EXHIBIT E**



Larkin Hoffman Daly & Lindgren Ltd.

1500 Wells Fargo Plaza  
7900 Xerxes Avenue South  
Minneapolis, Minnesota 55431-1194

GENERAL: 952-835-3800

FAX: 952-896-3333

WEB: [www.larkinhoffman.com](http://www.larkinhoffman.com)

October 18, 2004

Ms. Maureen Claire Madden  
4810 Ladyslipper Avenue North  
Brooklyn Park, MN 55443

**VIA CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED**

**Via U.S. Mail**

Barbara J. May  
4105 N Lexington Ste 310  
Arden Hills MN 55126

**Via U.S. Mail**

Michael L. Perlman  
Perlman Law Office  
10520 Wayzata Blvd  
Minnetonka MN 55305

Re: *In re the Marriage of Maureen Claire Madden and Jason John Wynne*  
File No. DC 284403

Dear Party in Interest:

Pursuant to Minn. Stat. 481.13, subd. 2, enclosed herewith and served upon Ms. Madden by Certified Mail, Return Receipt Requested and upon Ms. May and Mr. Perlman by U.S. Mail is a copy of a Notice of Filing of Attorney's Lien on real property.

Sincerely,

Kenneth Corey-Edstrom, for  
Larkin Hoffman Daly & Lindgren Ltd.

Direct Dial: 952-896-3380

Direct Fax: 952-842-1719

Email: [kcoreyedstrom@larkinhoffman.com](mailto:kcoreyedstrom@larkinhoffman.com)

## UNSWORN CERTIFICATE OF SERVICE

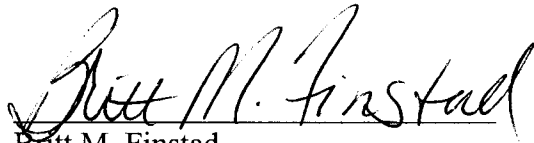
Under penalty of perjury, I declare that on October 18, 2004, I served the following document(s):

Re: Maureen C. Madden – Chapter 7 Bankruptcy - Bky. No. 04-45274  
Our File No. 4170-84

1. Notice of Hearing and Motion for Relief From Stay;
2. Verification of Kenneth Corey-Edstrom;
3. Memorandum of Law in Support of Motion to Lift Stay, with exhibits;
4. Order for Relief From Stay; and
5. Proof of service.

by first class mail by enclosing a copy thereof in an envelope, postage prepaid, and by depositing the same in the post office at Bloomington, Minnesota, to each party entitled to notice at the address(es) listed below.

Maureen C. Madden 4810 Ladyslipper Avenue North Brooklyn Park, MN 55443	Barbara J. May, Esq. 4105 N. Lexington, Suite 310 Arden Hills, MN 55126
Dwight R.J. Lindquist, Esq. 1510 Rand Tower 527 Marquette Avenue Minneapolis, MN 55402	US Trustee 1015 US Courthouse 300 South 4th Street Minneapolis, MN 55415

  
Britt M. Finstad

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

Bky. No. 04-45274  
Chapter 11 Case

Maureen C. Madden,

**ORDER FOR RELIEF FROM STAY**

Debtor.

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In Minneapolis, Minnesota, this 4th day of November, 2004

This matter came on before the undersigned Judge of Bankruptcy Court upon the motion of Larkin Hoffman, through counsel, for a motion lifting the automatic stay. Kenneth Corey-Edstrom appeared on behalf of the movant Larkin Hoffman. Other appearances were as noted in the Court's minutes. Based upon the documents filed herein and upon the arguments of Counsel: IT IS HEREBY ORDERED AS FOLLOWS:

The Automatic Stay is hereby lifted solely to enable Larkin Hoffman Daly & Lindgren Ltd. to seek liquidation of its claimed attorney's lien in Debtor's dissolution of marriage action (Hennepin County District Court File No. DC 284403).

BY THE COURT

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Robert J. Kressel, Bankruptcy Judge